CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL   No. 1550

Introduced by Assembly Member Rendon

January 27, 2014

An act to amend Section 3548 of, and to add Sections 3548.9 and 3549.5 to, the Government Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1550, as amended, Rendon. School employees: collective bargaining.

(1) Existing law permits public school employees, *as defined,* to form, join, and participate in the activities of employee organizations, *as defined,* of their own choosing for the purpose of representation on all matters of employer-employee relations, as specified. Existing law permits an employee organization to become the exclusive representative, *as defined,* of an appropriate unit for purposes of meeting and negotiating, *as defined,* with a public school employer, as ~~specified~~ *defined*. Existing law authorizes either a public school employer or the exclusive representative to declare that an impasse, *as defined,* has been reached between the parties in negotiations over matters within the scope of representation and to request the Public Employment Relations Board to appoint a mediator for the purpose of assisting them, as specified. If the board determines that an impasse exists, existing law requires it to appoint a mediator in accordance with ~~such~~ rules ~~as it shall~~ *is required to* prescribe within 5 working days after the receipt of a request.

This bill would instead, if the board determines that an impasse exists, require it to appoint a mediator in accordance with ~~such~~ rules ~~as it shall~~ *is required to* prescribe within 10 working days after the receipt of a request.

(2) Existing law authorizes either a public school employer or the exclusive representative to request that their differences be submitted to a factfinding panel by written notification to the other if the mediator is unable to effect settlement of the controversy within 15 days after his or her appointment and the mediator declares that factfinding is appropriate to the resolution of the impasse. ~~Existing law requires the factfinding panel to meet with the parties or their representatives, as specified, and requires the panel to make findings of fact and recommend terms of settlement, which recommendations shall be advisory only, if the dispute is not settled within 30 days after the appointment of the panel, or, upon agreement by both parties, within a longer period.~~

This bill ~~would require the public school employer to provide the exclusive representative with written notice of all terms included in the last, best, and final offer of the public school employer if the dispute is not settled within 30 days after the recommendations of the panel, or, upon agreement by both parties, within a longer period. The bill would also~~ *would* require the public school employer to provide written notice to the exclusive representative of the date certain for *the* implementation of *and all the* terms included in the last, best, and final offer of the public school employer at least 30 days before that implementation.

(3) Existing law ~~requires~~ *prohibits* the provisions related to collective bargaining for public school employees ~~to not be~~ *from being* construed as prohibiting a public school employer from making the final decision with regard to specified matters, including, among other things, matters related to the scope of representation, as defined, and the causes and procedures for disciplinary action other than dismissal.

This bill would prohibit a public school employer from unilaterally adding language to, deleting language from, or otherwise implementing terms and conditions of employment inconsistent ~~with,~~ *with* a negotiated agreement with an exclusive representative, and would, if language in a negotiated agreement is illegal, require the public school employer and the exclusive representative to meet and negotiate any change to the negotiated agreement to remedy the illegal language. By requiring a public school employer to meet and negotiate with the exclusive representative, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1   SECTION 1. Section 3548 of the Government Code is amended
2   to read:
3   3548. (a) Either a public school employer or the exclusive
4   representative may declare that an impasse has been reached
5   between the parties in negotiations over matters within the scope
6   of representation and may request the board to appoint a mediator
7   for the purpose of assisting them in reconciling their differences
8   and resolving the controversy on terms ~~which~~ *that* are mutually
9   acceptable. If the board determines that an impasse exists, it shall,
10 in no event later than 10 working days after the receipt of a request,
11 appoint a mediator in accordance with ~~such~~ rules as it shall
12 prescribe. The mediator shall meet forthwith with the parties or
13 their representatives, either jointly or separately, and shall take
14 ~~such~~ other steps as he or she may deem appropriate in order to
15 persuade the parties to resolve their differences and effect a
16 mutually acceptable agreement. The services of the mediator,
17 including any per diem ~~fees,~~ *fees* and actual and necessary travel
18 and subsistence expenses, shall be provided by the board without
19 cost to the parties.
20 (b) This section shall not be construed to prevent the parties
21 from mutually agreeing upon their own mediation procedure and
22 in the event of ~~such~~ *an* agreement, the board shall not appoint its
23 own mediator, unless failure to do so would be inconsistent with
24 the policies of this chapter. If the parties agree upon their own
25 mediation procedure, the cost of the services of any appointed
26 mediator, unless appointed by the board, including any per diem
27 ~~fees,~~ *fees* and actual and necessary travel and subsistence expenses,
28 shall be borne equally by the parties.

1   SEC. 2.   Section 3548.9 is added to the Government Code, to
2 read:
3   ~~3548.9.   (a) If a dispute is not settled within 30 days after the~~
4 ~~recommendations of a factfinding panel pursuant to Section 3548.3~~
5 ~~or, upon agreement by both parties, within a longer period, the~~
6 ~~public school employer shall provide the exclusive representative~~
7 ~~with written notice of all terms included in the last, best, and final~~
8 ~~offer of the public school employer.~~
9   ~~(b) At~~
10   *3548.9.   At* least 30 days before implementation, the public
11 school employer shall provide the exclusive representative with
12 written notice of the date certain for *the* implementation of *and all*
13 the terms included in the last, best, and final offer of the public
14 school employer.
15   SEC. 3.   Section 3549.5 is added to the Government Code, to
16 read:
17   3549.5.   (a) Notwithstanding any other law, a public school
18 employer shall not unilaterally add language to, delete language
19 from, or otherwise implement terms and conditions of employment
20 inconsistent ~~with,~~ *with* a negotiated agreement with an exclusive
21 representative.
22   (b) If language in a negotiated agreement with an exclusive
23 representative is illegal, the public school employer and the
24 exclusive representative shall meet and negotiate any change to
25 the negotiated agreement to remedy the illegal language.
26   SEC. 4.   If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.

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